IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.743/06

Shri.Yogesh Shashikant Swar .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.Milind Dande & C.K. Talekar Adv. for the applicant.

Miss.S.D. Shinde APP for the State.

CORAM : V.M. KANADE, J.

DATED : 18/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.I-7/04 registered with Bhiwandi Police Station for the offences punishable U/s.395 and 3, 25(1) of Indian Arms Act.

3. It is alleged that the applicant alongwith others had committed dacoity and taken away sum of Rs.22,20,835/- from a petrol pump. All the accused

have been released on bail. Trial is not likely to commence in the near future. Sessions Court has rejected application for bail only on the ground that the applicant is involved in similar other cases. All co-accused have been released on bail and the applicant is seeking bail on the ground of parity. There is no recovery at the instance of the applicant. In respect of cases which are pending against the applicant, he has been discharged from all other cases.

4. Considering facts and circumstances of the case, the applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in like amount. The applicant shall report to Bhiwandi Police Station twice in a month.

5. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

6. The Trial Court shall not be influenced by any observations made by this Court while deciding

the application and they shall not be construed as an expression of opinion on merits of the case.

7. The application is accordingly disposed of.

V.M. KANADE J.